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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,847	11/26/2003	Pascal Salazar-Ferrer	14XZ130600	6549
<div>23413 7590 02/04/2008</div> <div>CANTOR COLBURN, LLP</div> <div>20 Church Street</div> <div>22nd Floor</div> <div>Hartford, CT 06103</div>				
<div>EXAMINER</div> <div>NGUYEN, JENNIFER T</div>				
<div>ART UNIT PAPER NUMBER</div> <div>2629</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>02/04/2008 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,847

Applicant(s)

SALAZAR-FERRER ET AL.

Examiner

Jennifer T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☐ Claim(s) 1-12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 11/23/07.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 13, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (Pub. No.: US 2003/0016417 A1) in view of Chevassus et al. (Patent No. US 6,342,878).

Regarding claims 1 and 16, Lee teaches a peripheral device (figs. 5 and 6) for manipulating images comprising:

a gripping element (fig. 5);

means (13) for transmitting command information to means for processing as a function of shift and/or efforts applied by the user on the device [28];

means (15) for actuating by direct manual input by a hand of the user to control the means for processing to switch from one operating mode (i.e., three dimensional operating mode) [29-30] to an operating mode (i.e., two dimensional operating mode) where the device is used as a 2D pointer or for selection on the display means and vice versa [31].

Lee differs from claims 1 and 16 in that he does not specifically teach in the three dimensional operating mode, the gripping element is used for manipulating 3D images on the display means.

Chevassus teaches in the three dimensional operating mode, the gripping element is used for manipulating 3D images on the display means (col. 6, lines 48-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the device is used for manipulating 3D images on the display means as taught by Chevassus in the system of Lee in order to allow the device may be used in different computer application domains, especially interaction in three dimensional virtual spaces on the screen.

Regarding claim 2, Lee teaches the means for actuating comprise a button (15) [30-31].

Regarding claim 6, Lee teaches the device presents a gripping head mounted on a transmitter for shifts and/or efforts, the head presenting a groove enclosing it at least partially and which facilitates positioning of the fingers of the user [28].

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (Pub. No.: US 2003/0016417 A1) in view of Chevassus et al. (Patent No. US 6,342,878) and further in view of Reid et al. (Patent No. US 6,853,365).

Regarding claim 3, the combination of Lee and Chevassus teaches the device has a gripping head and a transmitter for shifts and/or efforts, other end has an arched section at its [331 of Lee].

the combination of Lee and Chevassus differs from claim 3 in that it does not specifically teach the gripping head mounted a transmitter for shifts the head having a general elongated hemispheric shape terminating at one end in a substantially straight edge.

Reid teaches a general elongated hemispheric shape terminating at one end in a substantially straight edge (fig. 9) and it would have been obvious to obtain the transmitter mounted on the head of the device in order to transmit and receive signals efficiently. Therefore,

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it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the end in a substantially straight edge as taught by Reid in the system of the combination of Lee and Chevassus in order to fit easily to user's hand.

Regarding claims 4 and 5, the combination of Lee, Chevassus, and Reid teaches the device has a gripping head mounted on a transmitter for shifts and/or efforts, the head presenting on its gripping face three recesses (107-109, figs. 1-2) distributed in a triangle in symmetrical fashion constituting tactile markers for positioning the hand of the user (col. 5, lines 1-23 of Reid).

6. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (Pub. No.: US 2003/0016417 A1) in view of Chevassus et al. (Patent No. US 6,342,878) and further in view of Zagnoev (Pub. No. US 2003/0090394).

Regarding claim 7, the combination of Lee and Chevassus differs from claim 7 in that it does not specifically teach a wall forming a wrist-rest in front of the device.

Zagnoev teaches a wall forming a wrist-rest (21) in front of the device (10) [0026]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the wrist-rest as taught by Zagnoev in the system of the combination of Lee and Chevassus in order to allow the user to use the device comfortably.

Regarding claim 8, the combination of Lee, Chevassus, and Zagnoev teaches a casing (10) having on one side a plurality of buttons forming a keyboard (26) and on the other side the device to be manipulated by user (23) [0024]-[0030] of Zagnoev.

Regarding claim 9, the combination of Lee, Chevassus, and Zagnoev teaches a casing bearing a plurality of buttons, as well as the device to be manipulated by user, the device being placed in a tray which the casing presents (fig. 1, [0024]-[0030] of Zagnoev).

Regarding claim 10, the combination of Lee, Chevassus, and Zagnoev teaches a casing on which the device to be manipulated by user is placed, the device extending with a main reference plane which, in the position of use expected for this peripheral device, is inclined relative to the horizontal (fig. 2, [0024]-[0030] of Zagnoev).

Regarding claims 11 and 12, although the combination of Lee, Chevassus, and Zagnoev does not specifically teach the angle of inclination is between 10 and 20 degree or 15 degree. However, it would have been obvious to obtain those angle of inclination in order to allow the user to control the device comfortably.

7. Claims 13-15 are allowed.

Response to Arguments

8. Applicants' arguments filed 11/23/2007, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "Lee does not disclose or suggest means for transmitting command information to means for processing as a function of shift and/or efforts applied by a user on the device". Examiner respectfully disagrees. Lee teaches means (i.e., wireless transmission unit set in the device casing) for transmitting command information (i.e., execution of commands or operation such as fast opening or page scrolling/jumping) to means (i.e., computer) for processing as a function of shift and/or efforts applied by a user on the device [0028]. Applicant state that "Chevassus discloses a conventional mouse with a 3D interaction

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comprised of moving the entire mouse...and not manipulation of the—dimensional images”.

However, Chevassus teaches manipulating 3D images on the display means (col. 6, lines 51-52).

The ground of the rejection is therefore maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
01/24/08



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